HC-KAR

NC: 2026:KHC:59983
MFA No. 1872 of 2025

CNR: KAHC010172022025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1872 OF 2025 (CPC)

BETWEEN:

1. MR. D.M. SHIVAMURTHY
   S/O. LATE BAVIHATTI MARAPPA
   AGED ABOUT 65 YEARS.

2. MR. D.M. PUTTASWAMY
   S/O. LATE BAVIHATTI MARAPPA
   AGED ABOUT 63 YEARS.

3. MRS. DEVAMMANNI
   W/O. LATE DODDAMALLAPPA
   AGED ABOUT 54 YEARS.

4. MR. SHIVAKUMAR D.M.
   S/O. LATE DODDAMALLAPPA
   AGED ABOUT 35 YEARS.

5. MR. GIRISH
   S/O. LATE DODDAMALLAPPA
   AGED ABOUT 32 YEARS.

   ALL THE APPELLANTS ARE
   R/AT: DUGGAHALLI VILLAGE
   HULLHALLI HOBLI,
   NANJANGUD TALUK
   MYSORE DISTRICT - 571 314

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

...APPELLANTS

(BY SRI AJAY PRABHU M., ADVOCATE)

AND:

1. MR. MADAPPA

S/O. LATE ERAIAH @ VEERAPPA
AGED ABOUT 63 YEARS.

2. MR. SHIVANAGAPPA
S/O. LATE MAHADEVAPPA
AGED ABOUT 45 YEARS.

3. MR. SHIVAPRASAD
S/O. LATE MAHADEVAPPA
AGED ABOUT 44 YEARS.

4. MR. SHIVANNA,
S/O. LATE VEERABHADRAPPA
AGED ABOUT 44 YEARS.

5. MR. NAGANNA,
S/O. LATE ERAIAH @ VEERAPPA
AGED ABOUT 66 YEARS.

RESPONDENTS NO.1 TO 5 ARE
R/AT: DUGGAHALLI VILLAGE
HULLAHALLI HOBLI
NANJANGUD TALUK
MYSORE DISTRICT - 571 314.

6. MR. ASIF
S/O. LATE MOHAMMED SHAFI ULLA
AGED ABOUT 52 YEARS
R/AT DOORA VILLAGE
JAYAPURA HOBLI, MYSURU TALUK.

…RESPONDENTS
(R1 TO R5 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(A) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 19.02.2025 PASSED ON I.A.NO.1 IN O.S.NO.248/2024 BY THE SENIOR CIVIL JUDGE AND J.M.F.C., NANJANGUD AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal filed before this Court is not maintainable in view of Section 19(1) of the Karnataka Civil Courts Act, 1964 and the judgment rendered by the Division Bench of this Court in ***Smt. Narayanamma -vs- The State of Karnataka*** in Writ Petition No.17588 of 2024 (GM-RES) c/w Writ Appeal No.200260 of 2025 (GM-RES) dated 8th July, 2026, which is affirmed by the Hon'ble Supreme Court in SLP(c) No.025075/2026 dated 3.8.2026.

2. In view of the above, this Court deems it appropriate to transfer this matter to the concerned District Court for adjudication of the matter from the stage where it is stopped.

3. Accordingly, I pass the following:

O R D E R

i) The appeal stands ***disposed of*** for statistical purposes;

ii) Registry is directed to transfer the entire record of the case, to the concerned Principal District & Sessions Judge, who may assign it to the concerned Appellate Court having jurisdiction;

iii) In case there are pending applications, the same also be transferred to be considered by the learned Judge of the concerned Appellate Court, in accordance with law;

iv) It is made clear that this Court has not made any observation as to the merits of the case and all rights and contentions of the parties are left open to be agitated before the concerned Appellate Court.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 4